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June 30, 2025

VIA ECF

Hon. Analisa Torres
 United States District Judge
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St.
 New York, NY 10007-1312

Re: Milosavljevic et al v. Casa Cruz 61, LLC d/b/a Casa Cruz et al.
 25-cv-03490 (AT)

Dear Judge Torres:

We represent Plaintiffs Luka Milosavljevic, Stephanie Jones, and Guilherme Parreiras (“Plaintiffs”) in the above-referenced matter. Pursuant to the Court’s May 1, 2025 Order, Plaintiffs write jointly with Defendants Casa Cruz 61, LLC and Juan Santa Cruz (“Defendants”) to submit this status letter. The parties have filed a Proposed Case Management Plan and Scheduling Order contemporaneously with this letter.

I. Brief Description of the Action

Plaintiffs allege a variety of wage and hour violations connected to their time as waitstaff at Defendants’ restaurant and event space Casa Cruz. Specifically, Plaintiffs allege Defendants engage in a common, willful, and deliberate policy and practice of denying Plaintiffs and other similarly situated waitstaff minimum and overtime wages by improperly paying them at a “tipped” minimum wage rate without satisfying the strict tip credit requirements of the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”). Plaintiffs further allege Defendants engaged in a deliberate policy and practice of illegally retaining gratuities that customers left for Waitstaff, and have also consistently failed to furnish Waitstaff with NYLL compliant Notices of Pay Rate and accurate wage statements, as required by law. Plaintiffs seek to bring their claims on a collective and class action basis.

Defendants deny the allegations and assert that they possess not only defenses, but also documentation demonstrating that Plaintiffs’ allegations are unfounded. Defendants claim that they consistently provide all required wage notices and statements in compliance with applicable law. In addition to maintaining robust hiring practices, Defendants contend that they provide all



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employees—including Plaintiffs—with an employee handbook and arbitration clause, which includes an arbitration agreement and a class and collective waiver. Furthermore, Defendants do not stipulate to class or collective certification.

II. Contemplated Motions

Plaintiffs anticipate promptly filing a motion for conditional certification of an FLSA collective action and authorized notice. Plaintiffs further anticipate filing a motion for class certification of a NYLL class and to appointment of class counsel.

Defendants intend to file a motion to dismiss and compel arbitration, pursuant to Federal Rules of Civil Procedure 12 and the Federal Arbitration Act, upon termination of the Tolling Agreement by either party.

III. Settlement Discussions

The parties were referred to Court-ordered mediation on June 18, 2025. The parties propose mediation to take place within 60 days after the close of the FLSA collective opt-in period – or any Court order denying Plaintiffs’ motion related to same. That allows the parties to assess the universe of FLSA Plaintiffs included in the case and exchange records necessary to calculate their damages, in order to have a productive mediation.

IV. Discovery Schedule

A Proposed Case Management Plan and Scheduling Order has been filed contemporaneously with this letter. In light of the class and collective claims being brought by Plaintiffs and the parties’ anticipated motion practice, the parties respectfully request a fact discovery deadline of 180 days following the date of submission of the Case Management Plan.

V. Consent to Magistrate Judge

The parties do not unanimously consent to the jurisdiction of the Magistrate Judge.

The parties thank the Court for its time and attention.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Innessa M. Huot'.

Innessa M. Huot

Shawn Clark

Brian Eugene Nettle



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/s/ Brianne E. Murphy

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